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16 Attorneys for Defendants  
17 PETCO ANIMAL SUPPLIES, INC. and  
18 PETCO HOLDINGS, INC.

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**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF CALIFORNIA**

Erik Kellgren, Individually and on Behalf  
of All Other Persons Similarly Situated,

Plaintiffs,

v.

PETCO ANIMAL SUPPLIES, INC.;  
PETCO HOLDINGS, INC.; and  
DOES 1 to 100, inclusive,

Defendants.

Case No. 13-cv-00644-L-KSC

**DEFENDANTS PETCO ANIMAL  
SUPPLIES, INC. AND PETCO  
HOLDINGS, INC.'S SECOND  
NOTICE OF RELATED CASES**

Complaint Filed: March 19, 2013

District Judge: Hon. M. James Lorenz  
Courtroom: 5B (Schwartz)

Magistrate  
Judge: Karen S. Crawford

Trial Date: Not Set

Case No. 13-cv-00644-L-KSC

DEFENDANTS PETCO ANIMAL SUPPLIES, INC. AND PETCO HOLDINGS,  
INC.'S SECOND NOTICE OF RELATED CASE

1 PLEASE TAKE NOTICE that, pursuant to Local Rule 40.1(f), Defendants  
2 PETCO ANIMAL SUPPLIES, INC. and PETCO HOLDINGS, INC. (Petco) notify  
3 the Court of the following related cases:

4 (1) *Lee v. Petco Animal Supplies, Inc., Petco Animal Supplies Stores, Inc.,*  
5 *and Petco Holdings, Inc. LLC*, Circuit Court of the State of Oregon, County of  
6 Multnomah, 16-cv-34943, filed on October 21, 2016.

7 (2) *Hecker v. Petco Animal Supplies Stores, Inc., and Petco Holdings, Inc.,*  
8 Northern District of Illinois, Eastern Division, Civil Action No. 1:16-cv-10857, filed  
9 on November 23, 2016.

10 The instant action and the related cases listed above “[i]nvolve some of the  
11 same parties and are based on the same or similar claims” and “[i]nvolve  
12 substantially the same facts and same questions of law.” Local Rule 40.1(g).  
13 Pursuant to Local Rule 40.1(f), for the reasons sets forth below, Petco believes  
14 assignment to a single district judge, if available, is likely to effect a saving of judicial  
15 effort and other economies:

16 1. The pending matter, and the related Oregon state case (*Lee v. Petco*  
17 *Animal Supplies, Inc., Petco Animal Supplies Stores, Inc., and Petco Holdings, Inc.*  
18 *LLC*, 16-cv-34943) and related Northern District of Illinois case (*Hecker v. Petco*  
19 *Animal Supplies Stores, Inc., and Petco Holdings, Inc.*, Civil Action No. 1:16-cv-  
20 10857), are rooted in the contention Petco purportedly misclassified the individuals  
21 employed as Assistant Managers in its stores as exempt from overtime pay provisions.  
22 Plaintiffs in both actions, on behalf of themselves and other current and former  
23 Assistant Managers, allege they are entitled to wages for overtime work for which  
24 they did not receive overtime premium pay. The pending matter is a conditionally  
25 certified collective action brought under the Fair Labor Standards Act on behalf of  
26 individuals nationwide (except California), including Oregon and Illinois. *Lee* is  
27 currently a single plaintiff action brought under Oregon’s labor law. *Hecker* is a  
28

1 putative class action brought under Illinois labor law on behalf of Illinois individuals.  
2 However, because Oregon's and Illinois' overtime wage laws essentially mirror the  
3 FLSA requirements, these claims are substantially similar. See *Quimby v. Dutch*  
4 *Mining, LLC.*, 2008 U.S. Dist. LEXIS 114444 (D. Or. 2008); *Harper v. Wilson*, 302 F.  
5 Supp. 2d 873, 883 (N.D. Ill. 2004).

6 2. The same lawyers who represent Plaintiff and the collective here  
7 represent Plaintiff in *Lee* and *Hecker*.

8 3. The Plaintiffs in *Lee* and *Hecker* have each filed a consent to join the  
9 instant action, (Dkt. Nos. 103-1, 106), and thus, are each a "party plaintiff" in this  
10 case. 29 U.S.C. § 216(b).

11 4. Because of the substantially similar facts and questions of law, discovery  
12 conducted in *Lee* and *Hecker* will be duplicative of much of the discovery conducted  
13 in this action thus far as well as the discovery that is scheduled to be conducted.

14  
15 Dated: November 30, 2016 **WILSON TURNER KOSMO LLP**

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17 By: /s/Carolina Bravo-Karimi

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